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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/926,690	12/03/2001	Kenichi Otani	216009US3PCT	9480

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EXAMINER

HECKENBERG JR, DONALD H

ART UNIT PAPER NUMBER

1722

DATE MAILED: 01/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/926,690	OTANI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Donald Heckenberg	1722	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 December 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18 is/are allowed.
- 6) ☒ Claim(s) 1-11 and 13-17 is/are rejected.
- 7) ☒ Claim(s) 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on June 13, 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

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1. A request for continued examination (RCE) under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 15, 2003 has been entered.

2. The following are suggestions that would improve the clarity of the claims:

Claim 6, line 5 refers to "a clamping force." Claims 7-10, which depend from claim 6, all refer to a "the mold clamping force." It is apparent from the disclosure that the clamping force in claim 6 is the same as the mold clamping force recited in claims 7-10. However, for clarity it would be better to use consistent terminology throughout the claims.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5, 11, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Granberg (U.S. Pat. No. 4,014,739; previously of record).

Granberg discloses a pulp mold which comprises a molding part (18) of a prescribed shape. A peripheral part (including depression 18a) extends outward from a peripheral edge of the molding part (figure 2). A net (30 and 32) covers the molding part and at least part of the peripheral part (figure 2). A fixing member (16) is disposed on the periphery of the net, the fixing member being directly attached to the peripheral part to fix the net (using structure 42b).

Granberg further disclose the fixing member to have a mating projection (42b) that fits in a mating depression made in the peripheral part to fix the fixing member to the peripheral part (see figure 2). The mating projection can be moved from a clamping position in which the net is forced against the shaping part (figure 2), to a non-clamping position (figure 3) in which the net is not forced against the shaping part, and thus, the apparatus of Granberg is provided with a means for adjusting a mold clamping force. Further, the movement to the non-clamping

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is the result of a force applied to member 42b which is not applied the net (see figures 2-3).

Claims 4-5 recite that the papermaking part is configured to face a second papermaking part. Written as such, these claims do not require a second papermaking part, but rather only require the first papermaking part be configured as such that it could be faced with a second papermaking part. The apparatus of Granberg, as shown in figure 1, is configured such that it is capable of being faced with another papermaking part, for example by placing a second mold upside-down on top of the first mold. Thus, Granberg anticipates the language of claims 4-5.

5. Claims 6-10 and 14-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Randall (U.S. Pat. No. 2,600,265).

Randall discloses a pulp molding die. The die comprises a molding part (17) of prescribed shape and a peripheral part (21) extending outward from the molding part. The die also comprises a flange (the element to which ring 33 is attached by stud 34, see col. 4, ll. 50-54), as well as a net (25) covering the molding part. The part of the net (29) which covers the peripheral part is positioned so that the flange prevents the net from receiving a clamping force from the stud (34) received by the flange (figure 1). Randall shows the part of the net

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which covers the peripheral part to be positioned lower than a surface that receives the mold clamping force a predetermined amount (figure 1). By using threaded studs (34) to provide the clamping force, Randall provides the apparatus with a means for adjusting the mold clamping force through by selecting how much the stud is tightened.

In the apparatus of Randall, element (33) acts as a sealing member by being positioned around the ends of the molding cavity (see figure 1). Element (33) that receives the clamping force exerted from the stud, and is provided on the part of the net covering the peripheral part (see figure 1).

6. Applicants' arguments filed December 15, 2003 have been fully considered but they are not persuasive.

Applicants assert that Granberg discloses element 42b to be positioned such that the nets 30 and 32 receive a force exerted between element 16 and element 18. Therefore, Applicants argue that Granberg fails to disclose a fixing member that is directly attached to the peripheral part to fix the net such that the net does not receive a force applied to the fixing member as is recited in claims 1 and 11 of the instant application.

Claims 1 and 11 recite merely that the "net is free from a force applied to the fixing member." This language, coupled

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with the open ended "comprising" terminology of the claims does not preclude the application of other forces to the net so long as there is one instance that a force applied to the fixing member does not act upon the net.

In the position shown in figure 2, the net(s) of Granberg may receive a force exerted between elements 42b and 36. However in order to go from the position disclosed by Granberg in figure 2 to the position in figure 3 some force must have been applied to move element 42b. This force must act to lift element 42b away from the net, and thus does not act upon the net. Therefore, the claim language of the instant application reciting the net to be free from a force applied to the fixing member is met by the teaching of Granberg showing the force applied to element 42b moving away from the net.

Applicants' arguments with respect to claims 6 and 14 have been considered but are moot in view of the new grounds of rejection.

7. Claim 18 is allowed. See the reasons for indicating allowable subject matter in the previous Office Action.

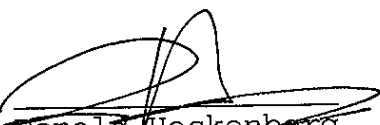
8. Claim 12 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent

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form including all of the limitations of the base claim and any intervening claims. See the reasons for indicating allowable subject matter in the previous Office Action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald Heckenberg whose telephone number is (571) 272-1131. The examiner can normally be reached on Monday through Friday from 9:30 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker, can be reached at (571) 272-1151. The official fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

  
Donald Heckenberg  
January 2, 2004